

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ARAZ ALALI,

Plaintiff,

07 Civ. 2916 (CLB)

-against-

**AFFIDAVIT OF KIM BERG
IN OPPOSITION TO
DEFENDANTS' RULE 12(b)(6)
MOTION TO DISMISS**

ALBERTO DeBARA, individually,
KYLE WILSON, individually,
EDWARD AUSTIN, individually,
GEORGE MARSHALL, individually,
HUMBERTO MORRELL, individually,
MATTHEW BRADY, individually,
ANTHONY MURPHY, individually,
ROBERT GAZZOLA, individually,
PATRICK J. CARROLL, individually,
and the CITY OF NEW ROCHELLE,
New York,

Defendants.

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State of New York)
) ss:
County of Westchester)

KIM BERG, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice before this Court and an associate with Lovett & Gould LLP, attorneys for Plaintiff Araz Alali in the above captioned matter. I submit this affidavit on Plaintiff's behalf in opposition to Defendants' motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.

2. Annexed hereto as Exhibit 1 is a copy of the invoice from Iona College dated March 9, 2007 showing a total amount due of \$16,744.00

WHEREFORE it is respectfully submitted that Defendants' motion to dismiss should be denied in all respects.


KIM BERG

Sworn to before me this
21st day of June, 2007.


Notary Public

ANN B. FRANK
Notary Public, State of New York
No. 01FR5022348
Qualified in Westchester County
Commission Expires January 10, 20 10

EXHIBIT 1



IONA COLLEGE
715 North Avenue
New Rochelle, NY 10801-1890
(914) 633-2497
sfs@iona.edu

Student Name Araz Alali
Account Number 0274400
Statement Date 03/09/2007
Invoice Period Spring 2007
Due Date February 26th, 2007

Account Summary:

Prior Balance	14,506.00
Prior Pending Aid	0.00
Prior Unpaid Balance	14,506.00
Current Charges	2,238.00
Payments	0.00
Current Pending Aid	0.00
Amount Due	16,744.00

Remember to submit your company reimbursement documentation to avoid late fees after the due date. Thank you.

<u>Posted Date</u>	<u>Item Term</u>	<u>Listing of Charges and Credits</u>	<u>Charges</u>	<u>Credits</u>
02/28/2007	Spring 2007	Tuition - Undergrad Evening	2,088.00	
02/28/2007	Spring 2007	Adult/Eve/Vst Student Fee	150.00	
Total Enrolled Credits: 4.0		Total of Charges and Credits	2,238.00	

Unapplied Financial Aid: Any amount listed below as "Unapplied Financial Aid" represents estimated Financial Aid NOT yet CREDITED to this account. Any amounts listed are contingent upon their receipt and the fulfillment of all applicable Federal, State and Iona College requirements.

<u>Term</u>	<u>Award Descr</u>	<u>Amount</u>
	No Pending Financial Aid	

Return this portion with your payment.

Please send all **Credit Card** payments to:

Iona College, SFS Office
715 North Avenue
New Rochelle, NY 10801

* FOR ALL OTHER PAYMENTS, USE THE ENCLOSED ENVELOPE *

Account Number	0274400
Amount Due	16,744.00
Amount Paid	

We accept VISA, MasterCard, Discover & AMEX

Araz Alali
703 Pelham Rd Unit 514
New Rochelle, NY 10805